



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planner

DATE: February 20, 2024

RE: **PB 24-05/Yerrr Canna, LLC**
Block: 62; Lots 22.01, 32 and 34; Zone: I
76-82 Ashland Avenue
Application for Conditional Use and Minor Site Plan Approval to Permit
Licensed Cannabis Cultivator

INTRODUCTION

The applicant is proposing to locate a Licensed Cannabis Cultivator in an existing two-story building. Physical changes proposed as part of the application include interior building renovations and modifications to the building's exterior, and substantial exterior site changes include the paving and striping of parking areas. The proposed use is permitted as a conditional use in the I zone, and all conditional use standards for this use are or will be met.

LAND USE

The subject property is comprised of portions of three tax lots, which have frontages on Ashland Avenue, Park Avenue and Spring Street. The building proposed to house the principal use is located in the rear portion of Lot 22.01, an L-shaped parcel with frontage on Ashland Avenue. However, access and parking for the use is proposed on portions of Lots 32 and 34, utilizing existing driveways on Park Avenue.



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The area surrounding the subject property is developed with a mix of land uses, including commercial, industrial, residential, park and public. The municipal boundary with the City of Orange is located a short distance to the east. Photographs of the subject property are attached to this memorandum.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Location Survey (Lot 22.01)	Vincent Manno, P.L.S.	11/29/22
Existing Conditions Survey (Lot 32)	Robert L. Cigol, P.L.S.	12/28/21
Site plan (1 sheet)	Shawn T. Fisher, R.A.	2/7/24
Architectural floor plans (1 sheet)	Shawn T. Fisher, R.A.	1/10/24

VARIANCES REQUIRED

None

DISCUSSION/RECOMMENDATIONS

Description of Proposal

The applicant is seeking conditional use approval for a “Class 1 Cannabis Cultivator” use¹ as defined by State law, which fits within the definition of a “Licensed Cannabis Entity” by local ordinance. The West Orange Land Use Regulations Ordinance was amended in 2021 following a change in State law that permitted recreational cannabis, subject to both State and local regulations. Licensed Cannabis Entities are permitted as a conditional use in the I District. The standards for review of a conditional use are outlined in § 25-24.2 a., which states that “Pursuant to the provisions of the Municipal Land Use Law, the Planning Board shall have the power to grant conditional uses on particular sites, according to the definite specifications and standards set forth in Subsection 25-24.2b.”

Below is a listing of the standards for this conditional use, as listed in § 25-24.2 b. (o) of the Land Use Regulations Ordinance:

- (1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, § 5-34 of the Township of West Orange Municipal Code.

¹ A Class 1 Cannabis Cultivator is authorized to “grow recreational use cannabis.”
(<https://www.state.nj.us/treasury/taxation/pdf/pubs/tb/tb104.pdf>)



- (2) No Licensed Cannabis Entity shall be located within one hundred feet (100') from the property line of any property with a school building owned and operated by the West Orange Board of Education.
- (3) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.
- (4) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.
- (5) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment.
- (6) A Licensed Cannabis Entity shall meet of the required security measures as set forth in Chapter 5, § 5-34 of the Township of West Orange Municipal Code.
- (7) Cannabis Consumption Areas, as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq., shall be prohibited from all Licensed Cannabis Entities.

The application complies with all of the above standards, or will do so as a condition of approval (i.e. obtaining a Local License and meeting required security measures), and therefore is permitted.

The applicant is seeking to occupy a vacant existing two-story building in the rear of Lot 22.01. The architectural plans indicate that the gross floor area of the first floor of the building is 5,335 square feet, with an overall building area of 9,482 square feet.

Access to the building is proposed from two curb cuts for the parking area along Park Avenue. There is no access proposed to the facility or its parking and loading areas from Ashland Avenue, as fencing is proposed around the facility and a portion of its parking area.

Parking for the facility is proposed in spaces located on all three tax lots. A total of 24 parking spaces are proposed. Eight new parking spaces are proposed on Lot 22.01, including an ADA-compliant space.

No landscaping exists on the site, and none appears to be proposed. No information has been provided regarding proposed lighting or signage.

Limited information has been provided regarding the exterior of the building. No signage is shown on the submitted plans.

Planning Issues

The existing parking areas on Lot 22.01 are in poor condition, and the parking areas on Lots 32 and 34 are in fair to good condition. The applicant should confirm that these areas are being repaved.



As noted, 24 parking spaces are proposed. Testimony should be provided as to how the remaining parking spaces will be utilized and how restricting the use of some existing parking spaces would affect compliance with the provision of parking for the other uses on Lots 32 and 34.

Details shall be provided for the proposed new fencing.

The applicant should confirm whether any exterior modifications are proposed to the building, and whether any signage is proposed.

The applicant should consider adding landscaping on the property.





Views of Lot 22.01 looking east from Ashland Avenue



Existing conditions on Lot 22.01



View of parking area on Lots 22.01, 32 and 34 looking south from Ashland Avenue